

2. On August 30, the Walmart Defendants and Defendant Mehmetllari, filed an Answer with Affirmative Defenses. A true and correct copy of Defendant's Answer is attached hereto as Exhibit "B."

3. On August 30, 2022, Defendants, Franklin Mills Associates Limited Partnership and Simon Property Group, LP, filed an Answer with Affirmative Defenses and Crossclaims. A true and correct copy of Defendants' Answer is attached hereto as Exhibit C."

4. The Walmart Defendants were served with Plaintiff's Complaint via United States mail on August 8, 2022, which is within thirty (30) days of the filing of this Notice of Removal; thus, removal is timely. A true and correct copy of the USPS tracking report is attached here to and marked as Exhibit "D".

5. In her Complaint, Plaintiff claims that on February 13, 2021, she was caused to slip and fall on snow and ice on Defendants' property located at 4301 Byberry Road, in Philadelphia. *See* Exhibit "A," ¶¶ 10-13.

6. Plaintiff further alleges that she sustained serious and permanent personal injuries, serious impairment of bodily functions, permanent and serious disfigurement. *See* Exhibit "A," ¶ 18.

7. In her payer for relief, Plaintiff claims that the value of her damages exceeds the sum of seventy-five thousand dollars (\$75,000). *See* Exhibit "A," Ad Damnum clause.

8. For the reasons set forth more fully below, this Court has original jurisdiction over the subject matter under 28 U.S.C. § 1332 because the parties are citizens of different states and the matter in controversy exceeds \$75,000.

A. PLAINTIFF IS DIVERSE FROM ALL DEFENDANTS

9. Plaintiff states in her Complaint that she resides at 919 Lawnton Terrace, in Glenolden, Pennsylvania; it is believed and therefore averred that she is a resident and citizen of the Commonwealth of Pennsylvania. *See* Exhibit “A.”

10. Defendant, Wal-Mart Stores East, LP is a Delaware corporation with its principal place of business in Bentonville, Arkansas.

11. Defendant, Walmart Real Estate Business Trust is an Arkansas trust with its principal place of business in Bentonville, Arkansas.

12. Defendant, Aleksandros Mehmetllari is citizen and resident of the State of New Jersey and has a residence address of 203 Fox Chase Drive, Southampton, New Jersey, 08088.

13. In its Answer to the Complaint, Defendant, Franklin Mills Associates Limited Partnership states it is a District of Columbia limited partnership with a principal place of business located at 225 W. Washington Street, Indianapolis, Indiana.

14. In its Answer to the Complaint, Defendant, Simon Property Group states it is a Delaware limited partnership with a principal place of business located at 225 W. Washington Street, Indianapolis, Indiana.

15. In her Complaint, Plaintiff claims that Defendant, Kan AM USA Limited LP is a limited partnership with a principal place of business located at 225 W. Washington Street, Indianapolis, Indiana; it is believed and therefore averred that Kan AM USA Limited LP is a limited partnership domiciled in Indiana.

16. Accordingly, Plaintiff is diverse from all defendants.

17. Defendants, Franklin Mills Associated Limited Partnership and Simon Property Group consent to removal of the State Action to the United States District Court. A true and

correct copy of an e-mail from counsel consenting to removal of the State Action is attached hereto and marked as Exhibit “E”.

18. Defendant, Kan Am USA Limited LP, upon information and belief, has not been served process and may not be a going concern or active business entity.

B. THE AMOUNT IN CONTROVERSEY EXCEEDS \$75,000 EXCLUSIVE OF INTERESTS AND COSTS

19. As described herein, the Complaint alleges plaintiff suffered severe and permanent physical injuries that resulted in permanent disfigurement and disability.

20. The Ad Damnum clause in the Complaint states that damages exceed the sum of \$75,000.

21. Based on the foregoing, including Plaintiff’s allegations of severe and permanent injuries and Plaintiff’s demand exceeding \$75,000, the preponderance of the evidence establishes that the matter in controversy is in excess of \$75,000 exclusive of interest and costs.

22. Based on the foregoing, the requirements of 28 U.S.C. §§ 1441(a) and (b) and 1446(b) and (c) have been satisfied and the within matter is properly removable.

WHEREFORE, Defendants, Wal-Mart Stores East, LP, Walmart Real Estate Business Trust, and Aleksandros Mehmetllari, respectfully request that the State Action be removed from the Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania.

MCDONNELL & ASSOCIATES, P.C.

Dated: August 31, 2022

By: /s/ J. Michael Kvetan
Patrick J. McDonnell, Esquire
J. Michael Kvetan, Esquire
*Attorneys for Walmart Defendants and
Aleksandros Mehmetllari*

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BIANCA GONZALEZ	:	CIVIL ACTION NO.
	:	
Plaintiff	:	
	:	
v.	:	
	:	
WALMART STORES EAST, LP	:	JURY TRIAL DEMANDED
ALEKSANDROS MEHMETLLARI	:	
WALMART REAL ESTATE BUSINESS TRUST	:	
FRANKLIN MILLS ASSOCIATES LP	:	
KAN AM USA LIMITED LP	:	
SIMON PROPERTY GROUP, L.P.	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, J. Michael Kvetan, Esquire, hereby certify that, on the below date, the Notice of Removal was filed with the Court and will be available for viewing and downloading from the ECF system. I also certify that a true and correct copy was served via electronic and first-class mail on this same date on the following:

Simon & Simon P.C.
Marc I. Simon, Esquire
18 Campus Blvd, Suite 100
Newtown Square, PA 19073
Attorneys for Plaintiff

William J. Ferren & Associates
Brendon Howton, Esquire
PO Box 2903
Hartford, CT 06104
*Attorney for Defendants,
Franklin Mills Associates, LP, and
Simon Property Group*

MCDONNELL & ASSOCIATES, P.C.

Dated: August 31, 2022

By: /s/ J. Michael Kvetan
J. Michael Kvetan, Esquire
*Attorneys for Walmart Defendants and
Aleksandros Mehmetllari*